

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
June 8, 2004  
**Draft**

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Sauls presiding. Present were Commissioners Thael, Maloy, Winchester, Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal.

Chairman Sauls asked for a moment of silence in memory of former President Ronald Reagan. The Invocation was provided by Commissioner Winchester and was followed by the Pledge of Allegiance to the Flag

**Awards and Presentations**

- a. Jo Shuford-Law, Leon County Agricultural Extension Services, made a presentation on Externalizing Agricultural Extension Services and detailed the highlights of the UF/IFAS trip to Costa Rico attended by Commissioner Thael and Ms. Shuford-Law.
- b. The attached Resolution was presented to Leon County Extension Office and Leon County's Team for coordinating the "Walk Through Florida" Program (July 4 to August 28, 2004), a partnership of State Agencies and Leon County.
- c. The attached resolution was presented to Nick Vuillemot, Executive Director of the Big Bend Crime Stoppers honoring their 20<sup>th</sup> Anniversary:
- d. The attached resolution was presented to Billy Holder for Celebrate America July 4<sup>th</sup> Celebration:
- e. The attached resolution was presented to Joanne Folsom, MIS Applications Development Analyst, in honor of her retirement after serving 24 ½ dedicated years to Leon County:
- f. The attached resolution was presented to Edward Ellis, Public Works Operations Crew Chief II, in honor of his retirement after serving 16 ½ dedicated years to Leon County:
- g. The attached resolution was presented to Karen Shivers, Administrative Associate IV at the Solid Waste Management Facility, in honor of her retirement after serving 23 ½ dedicated years to Leon County:

- h. The attached resolution was presented to Samuel Jackson (Jack) Mock, Facilities Support Superintendent, in honor of his retirement after serving 27 dedicated years to the citizens of Leon County:

#### Consent Agenda

Commissioner Maloy moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve the following consent agenda with the exception of Items 6, 17 (removed from agenda), and 26, which were addressed as described below:

1. Approval of Bills and Vouchers

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for June 8, 2004, and pre-approve payment of bills and vouchers for the period June 9, 2004 through July 12, 2004: \$ 6,833,789.29

2. Acceptance of Child Support Enforcement Revenue from Franklin County'

The Board approved Options 1 and 2: Accept the Child Support Enforcement Revenue from Franklin County; 2) Approve the attached budget amendment resolution and establishing line item spending authority:

3. Authorization to Issue a Request for Proposals (RFP) for New 9-1-1 System

The Board approved Options 1 and 2: 1) Approve the issuance of the Request for Proposal (RFP) for the new 9-1-1 System to replace the existing one; 2) Authorize the waiving of local preference criteria.

4. Approval of Resolution in Support of the Apportionment Plan Adopted by the Metropolitan Planning Organization (MPO)

The Board approved Option 1: Approve the attached Tallahassee-Leon County Metropolitan Planning Organization (MPO) Apportionment Plan Resolution R04-12:

5. Request to Schedule Public Hearing to Amend Chapter 2, Section 2-166, "Plans Adopted" Regarding Deferred Compensation Plans on Tuesday, July 27, 2004 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing to adopt a proposed ordinance to amend Chapter 2, Section 2-166, "Plans adopted", Leon County Code of Laws, regarding Deferred Compensation Programs on Tuesday, July 27, 2004 at 6:00 p.m.

6. Approval of Agreement and Release of Liability, Granting Permanent Custody of the Dog Known as "Sailor" to Home for Life, Inc.

This item seeks the Board's approval of an agreement and release of liability which would grant full and permanent custody of the dog known as "Sailor" to Home For Life, Inc., an animal sanctuary.

This item was pulled for discussion due to a citizen wished to speak on the matter.

Mike Shirkey, 253 Sturgeon Drive, appeared and presented photos of his daughter when the subject dog seriously bit her. He urged the Board to not approve the agreement and suggested that the owner should be held accountable for the dog's actions. Mr. Shirkey suggested that the Board was taking up a cause for the owner.

Commissioner Winchester explained the background history on the issue, suggesting that there might have been a breakdown in the animal control process.

Richard Ziegler, Animal Control Director, commented on the circumstances surrounding the issue and advised that the dog was never recommended for euthanasia but was recommended for permanent confinement. He also pointed out that the dog had bitten someone else about six months ago, so one bite was provoked and one was not. He pointed out that his office and the County Attorney's Office were developing an ordinance that would address situations similar to the one presented.

Commissioner Thael pointed out that the owner mistreated the dog, which caused the child to be bitten and recommended that there should be criminal sanctions against the owner for the mistreatment and asked if this could be included in the motion. Commissioner Winchester concurred.

Commissioner Winchester moved and was duly seconded by Commissioner Thael to approve Option 1 with the amendment: Approve the agreement and release of liability granting full and permanent custody of the dog known as "Sailor" to Home For Life, Inc., and animal sanctuary; and that a workshop be scheduled to address the animal control process and that staff pursue criminal sanctions against the owner for mistreatment of the dog. The motion carried 5 – 1 (Commissioner Maloy voted in opposition and Commissioner Proctor was out of Chambers).

*The Board then entered Public Hearing, Item 38.*

7. Approval to Submit a Grant Application to the Center for Disease Control (CDC) for "Steps to a Healthier US."

The Board approved Option 1: Approve the request to submit Steps to a Healthier US (Steps) Grant application.

8. Acceptance of Status Report on Jail Alternatives

The Board approved Options 1 and 2: 1) Accept status report on jail alternative programs; 2) Direct staff to pursue the Federal Department of Justice Adult Drug Court Grants, and any other grants that may be available for future funding of the Enhanced Probation and GPS Programs. See attached report on the alternative programs: Enhanced Probation Program; Global Positioning Satellite Programs (GPS); Sheriff's Work Camp; Felony Drug Court:

9. Approval of a Resolution in Support of the Designation of the Capitol Downtown Cultural District

The Board approved the attached Resolution R04- supporting the designation of the Capitol Downtown Cultural District:

10. Approval to Issue a Request for Proposal (RFP) for the evaluation of the Need for a Women's Health Center at Bond Community Health Center

The Board approved Option 1: Approve the issuance of a Request for Proposal (RFP) for the evaluation of the need for a women's health center at Bond Community Health Center for the uninsured and medically underserved citizens.

11. Approval to Award One Housing Rehabilitation Contract to Reynolds Home Builders, Inc., Using State Housing Initiative Partnership (SHIP) Funds

The Board approved Option 1: Approve the contract to Reynolds Home Builders Inc., for housing rehabilitation, using SHIP housing funds.

12. Approval to Award Three Housing Rehabilitation Contracts to Reynolds Home Builders, Inc., Using State Housing Initiative Partnership (SHIP) Funds and Community Development Block Grant (CDBG) Funds

The Board approved Option 1: Approve the award of three (3) housing rehabilitation contracts to Pagel Construction Company Inc., using SHIP and CDBG housing funds.

13. Approval to Award One Housing Rehabilitation Contract to Reynolds Home Builders, Inc., and One Housing Rehabilitation Contract to Pagel Construction Company, Inc., Using State Housing Initiative Partnership (SHIP) Funds and Community Development Block Grant (CDBG) Funds

The Board approved Option 1: Approve the contract to Page Construction Company, Inc., and Reynolds Home Builders, Inc., for housing rehabilitation using SHIP and CDBG program housing funds.

14. Acceptance of the Gates "Staying Connected Computer Grant" Award

The Board approved Options 1 and 2: 1) Accept the \$12,000 Gates Staying Connected Computer Grant award, and authorize the Chairman to execute the grant agreement; 2) Adopt the attached resolution and budget amendment request:

15. Approval of a Resolution and Budget Amendment Request for Realization and Allocation of Unanticipated Revenue for Tallahassee-Leon County GIS

The Board approved Option 1: Approve the attached resolution and budget amendment for realization and allocation of unanticipated revenue for Tallahassee – Leon County GIS (Geographic Information System):

16. Authorization to Enter into Contract Negotiations with Workforce Software, Inc., for the County's Electronic Timesheet Solution

The Board approved Options 1 and 2: 1) Authorize staff to enter into contract negotiations with Workforce Software, Inc., for the County's Electronic Timesheet Solution; 2) Authorize the Chairman to execute the contract with Workforce Software, Inc., which will be consistent with Workforce's response to the RFP, at a cost within the current budgetary limits and in a form approved by the County Attorney's Office.

17. Approval of Change of Order Request for the Courthouse Caulk and Seal Project

This item was removed from the agenda as noted by the Chairman.

18. Approval to Submit Proposed Revisions to the Leon County Concurrency Policies and Procedures Manual to Growth and Environmental Management (GEM) Citizens' User Group for Review and Recommendation

The Board approved Option 1; Approve submission of the proposed changes to the Leon County Concurrency Policies and Procedures Manual to the GEM Citizens' User Group for their review and recommendation.

19. Authorization to Draft a Development Agreement with Westminster Oaks Retirement Community for a Long-Term Concurrency Reservation

The Board approved Option 1: Approve the drafting of a Development Agreement with the Westminster Oaks Retirement Community for Long-Term Concurrency Reservation and present to the Board for approval.

20. Acceptance of the 2002-2003 Annual Report of the Code Enforcement Board and the Code Compliance Program

The Board approved Option 1: Accept the 2002-2003 Annual Report of the Code Enforcement Board and the Code Compliance Program.

21. Ratification of the Workshop on the Bicycle/Pedestrian Master Plan Held on Tuesday, May 11, 2004

The Board approved Option 1: Ratify the actions taken at the May 11, 2004 Tallahassee and Leon County Bicycle and Pedestrian Master Plan Workshop as described below:

- (At the Public Works staff highlighted four areas of concern: 1) School access was not the Master Plan's top priority; 2) The proposed Master Plan's Cost Feasible Plan allocates all of the County's \$21.4 million from the sales tax extension; 3) The Master Plan assumes the County will build sidewalks on County roads within the City limits which violates twenty-five plus years of County and City statutory agreements; and 4) The County's Community Safety and Mobility Program would need to be revised so that school and park access are not identified as the County's top two priorities respectively. During the workshop, the Board approved the workshop package with the following provisions: Update the Bike and Pedestrian Master Plan with programs and projects that show connecting areas within two miles of schools; identify the purpose, goal, and probable users of each project in the Master Plan; Identify how much money is being spent on parks and recreation in the Master Plan; and Evaluate the potential fiscal impact to the Leon County of the County building sidewalks on County roads within the City limits.)

22. Request to Schedule a Public Hearing on Tuesday, July 13, 2004 at 6:00 p.m. for the Adoption of the Solid Waste Non-Ad Valorem Special Assessment Rate for Solid Waste Disposal Services

The Board approved Option 1: Schedule a public hearing for Tuesday, July 13, 2004 at 6:00 p.m. to approve the Annual Disposal Service Charge for the Solid Waste Non-Ad Valorem Special Assessment.

23. Approval to Award Bid to Florida Highway Products, Inc., for the Open Graded Cold Mix Bituminous Pavement Annual Contract

The Board approved Option 1: Approve the award of bid for the Open Graded Cold Mix Bituminous Pavement Annual Contract to Florida Highway Products, Inc.

24. Authorization to Publish Notice of Exchange of Drainage Easements in the Sunny Village Subdivision

The Board approved Option 1: Authorize staff to publish notice of an exchange of drainage easements in Sunny Village Subdivision with the Resolution affecting the exchange to be considered during the July 13, 2004 Board Meeting.

25. Approval of the Plat of Wolfcreek Subdivision with Authorization for Staff to Record in the Public Record upon Final Review and Approvals by Staff and

Acceptance of a Conservation Easement, Performance Agreement, and Surety Device Associated with the Subdivision

The Board approved Options 1, 2, and 3: 1) Approve the plat of Wolfcreek Subdivision and authorize staff to record it in the Public Records of Leon County after the final review and approval by staff; 2) Accept the conservation easements associated with the plat; 3) Accept the Sidewalk Performance Agreement and Bond.

26. Authorization to Modify the List of County Lands for Sale to Fund the Flooded Property Acquisition Program

This item is to request the list of County properties to be sold to fund the Flooded Property Acquisition Program be amended to remove the 10 acre parcel known as "Old City Firing Range" and the Tower Road parcel.

Commissioner Grippa pulled this item and remarked that he thought the purpose of this item was for the County to sell some property to be able to purchase some flooded homes. He stated that when reviewing the agenda, it appears that there is a list of properties that are worth developing but now they are not being sold. He thought that staff's direction was to look at Easterwood/Weems and take a small portion of the bicycle areas so cyclists could continue to utilize that, although there appears to be a liability issue now. Commissioner Grippa suggested working with the City to address this and possibly make an extension of Tom Brown Park. He remarked that ultimately the goal was to sell some of these entities to buy property on the Southside, in Killearn Lakes, in Lafayette Oaks and around the County. Now it appears that parcels have been pulled according to the agenda request.

County Administrator Alam explained, according to the agenda, cyclists are using all of Easterwood/Weems property. Commissioner Grippa advised that he has walked the property and there are biking trails but most of the property is not being used. Mr. Alam indicated that staff could go back and attempt to isolate the property that is actually being used. Commissioner Grippa suggested that Commissioner Rackleff go with Mr. Alam. He also pointed out that there are developable portions of the property that could be used for low intense and potentially a residential area, apartment complexes, restaurants and still have some of the park. Since there is potential liability, Commissioner Grippa suggested that it would be appropriate to transfer the property to the City if they would be willing to take it.

Commissioner Rackleff state that the reason the Easterwood/Weems property was removed last year from the list of properties to be sold is because the Lake Lafayette Watershed study has not been completed and the TMDL requirements are being developed and they do not know the outcome; this could be a critical part of the solution to the pollution and stormwater problem in the lake. He

remarked that it was premature to sell the property at this time since the environmental consequences have not been determined.

Commissioner Grippa asked when the study for Lake Lafayette would be completed and Gary Johnson, GEM, explained that the study would not be completed until approximately 8 - 9 months.

It was pointed out that the Tower Road Property is connected to the construction of the Northwest Library so that would need to be examined. The property on Miccosukee Road, next to the Public Works Complex, will be used for the EMS (Emergency Medical Services) expansion.

Tony Park, Public Works Director, explained that the old City Firing Range property is an extension of the Eisenhower Borrow Pit and at the time the property list was submitted, it was missed. This involves ten acres and is the facility where staff stores materials for mosquito control and the stormwater section for the division. Mr. Park pointed out that this parcel is near Innovation Park who made a request for the ten-acre parcel; this brought the attention to staff and they realized that the property should continue to be utilized. Mr. Park advised that it is difficult to locate certain types of facilities such as a borrow pit. Commissioner Grippa wanted to know if Mosquito Control could be located next to Public Works at the ball field and Mr. Parks responded that he would check into the issue.

Commissioner Grippa indicated that the educational quadrant should be developed, which is around the airport and southside; currently Bill Law is putting a center for Healthcare Excellence near Innovation Park.

County Administrator Alam referred to the agenda item, page 2, item 3 regarding Easterwood/Weems property, and stated that the Board approved a financing plan on February 25, 2003 for the purposes of acquiring the Bank of America Building and funding capital projects at the Courthouse, which realized revenue from the sale of the Easterwood/Weems property to offset a portion of the anticipated expenses. Commissioner Grippa indicated that he did not recall using revenue from the Easterwood/Weems sale and requested that staff bring back the agenda item. Mr. Alam advised that the issue is when the County gets the money from the sell of the property, where does the money go. He would bring back the agenda item and plan.

Alan Rosenzweig, OMB Director, explained that the financing plan was structured so that the sale of Easterwood/Weems property would have provided funding in the 5<sup>th</sup>, 7<sup>th</sup> year of the actual phase plan of development of the Bank of America building and his recollection is that the outside estimate is \$4 - \$6 million. It was unknown, at the time, how quickly the County would be moving into the BOA building, so as the phasing occurs, additional dollars would be



needed to deal with renovations of the facility; if it takes ten years, the dollar figure would be larger.

Chairman Sauls referred to Option 4 and pointed out that the current EMS sites are temporary quarters and to keep this in mind before selling off the Public Works Center Ball field property. Commissioner Grippa stated that the ball field (Item 4) could not be sold.

Commissioner Grippa moved and was duly seconded by Commissioner Maloy to approve Options 1, 2, 3, and 4 and to bring back a plan for Items 1 and 3: (A plan to develop a portion of Easterwood/Weems and look at the feasibility of developing the Old City Firing Range after staff looks at the equipment issue).

- 1) Approve the removal of the 10 acre parcel known as the "Old City Firing Range: (Tax item #41-09-20-801-0000) from list of County properties to be sold to fund the Flooded Property Acquisition Program and bring back a plan;
- 2) Approve removal of the 79.14 acre parcel known as the "Tower Road Sand Mine" (Tax Item #25-36-20-853-0000) from the list of County properties to be sold to fund the Flooded Property Acquisition Program;
- 3) Ratify previous action which removed the "Easterwood/Weems" site (Tax Item # 11-27-20-851-0000) from the list of County properties to be sold to fund the Flooded Property Acquisition Program and bring back a plan;
- 4) Approve the removal of the "Public Works Center Ball field" site (Tax Item #11-20-851-0000) from the list of County properties to be sold to fund the Flooded Property Acquisition Program.

Commissioner Rackleff voiced concern about repeated attempts to sell parkland along the shores of Lake Lafayette; the County has been diligent in buying parkland on the shores of Lake Lafayette to protect it. If the property were sold and developed, more runoff would go into the lake.

Commissioner Rackleff moved a substitute motion, which was duly seconded by Commissioner Thaele to approve staff's recommendations, Options 1, 2, 3, and 4.

Commissioner Proctor stated that if the substitute motion fails and Commissioner Grippa's motion prevails, he suggested that the land (Easterwood/Weems) be considered and designated for affordable housing in detached-single family units. He asked Commissioner Rackleff if he would be agreeable that the 28 acres would be suitable for affordable housing. Commissioner Rackleff opined that it is not suitable for development because it is a park and is the last line of defense for the watershed.

According the County Attorney, since the subject property is being used as a park and not sanctioned as being one under Leon County, there is a liability issue. County Attorney Thiele suggested that the issue be addressed so that Leon County is not held liable.

Following some discussion, Commissioner Grippa recommended, as a compromise, to transfer the portion of the Easterwood/Weems property that is being used (bike trails, etc.) to the City.

Commissioner Rackleff then added language to his substitute motion to direct the County Attorney to develop an interlocal agreement with the City of Tallahassee on use of the park for bicyclists that would relieve the County of liability. As the second to the substitute motion, Commissioner Thael concurred with the amended language.

County Attorney Thiele suggested that even if the interlocal agreement with the City takes place regarding use of the park, County staff should address the short-term issue of liability immediately.

Commissioner Grippa pointed out that the Welaunee Plantation (2,000 – 3,000 acres of development) is within the Lake Lafayette Basin and that he anticipates the debate of those opposing the Welaunee Plantation. Commissioner Rackleff pointed out that there are two Lake Lafayette, Upper and Lower Lake Lafayette and they are separated by Lake Piney Z and there is almost no water exchange between them because of the dyke system which retains water for Lake Piney Z.

The substitute motion with the additional language regarding an Interlocal Agreement with the City regarding use of the park, carried 4 – 3 (Commissioners Sauls, Grippa, and Proctor voted in opposition).

*The Board then entered discussion under "Citizens to be heard – 3-Minute Limit."*

27. Authorization of Budget Amendment for the Purpose of Purchasing Replacement Equipment for the Solid Waste Division's Landfill and Transfer Station in the Amount of \$310,415

The Board approved Option 1: Approve the resolution and associated budget amendment for the purpose of purchasing replacement equipment for the Solid Waste Division's and Transfer Station in the amount of \$310,415.

28. Request to Approve Travel Expenses for Commissioner Proctor to Attend the Florida Association of Counties (FAC) Annual Conference in Broward County, Florida on June 23-25, 2004

The Board approved Option 1: Approve the travel expenses.

29. Request to Approve Travel Expenses for Commissioner Cliff Thael to Attend the Florida Association of Counties (FAC) Annual Conference in Broward County, Florida on June 23-25, 2004

The Board approved Option 1: Approve the travel expenses.

**Citizens to Be Heard on Non-Agendaed Items (3-Minute Limit; non-discussion by Commission)**

- a. Dorothy Inman Jones, 2121 Trescott Drive, appeared on behalf of low-income families and presented information including a flyer regarding the inequities of Community Development Block Grant funding. She requested that elected officials demand that Florida receive its fair share to more low-income families.
- b. Mark Reichert, 2101 Waters Meet Trail, explained that he was here before the Board about the seemingly lack of progress of the Killearn Lakes I and II sewer conversion (from septic tank) and remarked about the suburban quagmire that has occurred since 1987. He requested that the Board provide updates to the Board of Directors on a weekly basis.

**General Business**

30. Report from Coffman, Coleman, Andrews and Brogan, a Jacksonville Law Firm, on Investigation of Workplace Harassment Complaint

County Administrator Alam explained that when a harassment complaint involves a Commissioner, the County Human Resources Director is required, by policy to refer the complaint to a private law firm or private entity outside of the County's political jurisdiction to investigate the claim. The firm of Coffman, Coleman, Andrews and Brogan, a Jacksonville Law Firm was retained on May 25, 2004 for the purpose of investigating allegations of workplace misconduct and/or harassment raised by Gwendolyn Simmonds against Commissioner Rudy Maloy. The investigative report was provided in the agenda package.

Commissioner Proctor moved and was duly seconded by Commissioner Maloy to accept the report from Coffman, Coleman, Andrews and Brogan.

County Attorney Thiele clarified that the procedures do not prohibit Commissioner Maloy from seconding the motion to accept the report; if anything were added to the motion to accept the report, it would involve a different issue.

Commissioner Grippa pointed out that allegations made in the report indicate that Commissioner Maloy's Aide was asked to perform political functions such as raising money for a campaign. He opined that the County had judiciary responsibility and recommended that an investigation be conducted on use of Aides for campaign issues. Commissioner Grippa suggested that the Board address how Aides are treated as a whole; since they are County employees they should be treated as such, attend sexual harassment training and fill out leave slips when appropriate, etc. He also suggested that Aides be supervised by the County

Administrator and that certain protocols be followed, including the process for filing a complaint. Commissioner Grippa stated that he would like at some point, in private, to know who did not go to the County Administrator's open hearing about the potential for sexual harassment and political activities.

Commissioner Grippa referred to the report, which indicates there may have been sexual harassment, although Ms. Simmonds states that there was not. She does state that she was forced to do political work and some campaigning.

Commissioner Proctor remarked that for the most part, Commissioners have worked effectively and successfully with their Aides under the current system although he would be willing to discuss the issues at an appropriate time. While Commissioner Grippa's discussion items might be necessary, Commissioner Proctor recommended that the issues raised should be independent of the immediate issue, which is the report of the harassment allegation.

Commissioner Rackleff referred to the report and stated that he wanted Leon County to be a safe place for females to work and remarked that Commissioner Maloy has abused the Board's trust in him to supervise in a professional way.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Rackleff to do the following:

- Turn over the authority of Commissioner Maloy, to hire and fire his current Aide, to the Chairman
- That Commissioner Maloy's Aide report to Chairman Sauls who will supervise her and accommodate the work that Commissioner Maloy needs to be done
- At the earliest convenience, conduct a workshop (after an investigation) specifically on the issue of Aides – who they report to; are they County employees; do they need the County Code of Conduct; do they need to go to sexual harassment classes; are they allowed to perform political activities while working on the Fifth Floor
- Move forward with a type of investigation (prior to workshop) and ask the County Attorney whether the County has any responsibility, given this report, to look further at the political activities, which seems to appear throughout the report.

Commissioner Thael explained that there appears to be the perception of sexual harassment and real sexual harassment. The County has an obligation to ensure that employees come to work without sexual or any type of harassment. He stated that from this time forward, he wants to see that every Commissioner and Aide be certified as having undergone the appropriate professional training on workplace harassment (i.e. what constitutes workplace harassment and what constitutes sexual harassment).

Chairman Sauls advised that if the report is accepted, it would include recommendations on page 24 (4) which makes it mandatory for all Commissioners and Aides to go through the workplace harassment diversity, etc. training.

Tracy Reid, Director of Human Resources, advised that Ms. Simmonds was notified that she would no longer be on administrative leave with pay starting today and she has reported to work, and has been presented with other options for County employment. County Administrator clarified that the recommendation is that "she was encouraged to pursue employment opportunities for which she is qualified with the County." He stated that she would apply for jobs that she is qualified for and she may or may not be selected for those jobs. It was noted that currently there are no jobs available at the County that would constitute a lateral job change for Ms. Simmonds.

Commissioner Grippa raised the question: In light of the fact that the report states that the Aide alleges that she was forced to conduct political business while employed as an Aide and the County was aware of the allegation, is the County obligated to investigate and follow-up on it. Mr. Thiele recommended that the County do so. Commissioner Grippa stated that if necessary, he would write a letter to Willie Meggs, State Attorney regarding the matter.

Commissioner Rackleff moved a substitute motion, seconded by Commissioner Grippa to do the following.

- That Commissioner Maloy no longer has the authority to hire or fire his Aide or have supervisory authority over his Aide.
- That the County Attorney review the interviews (listed in the report) to determine if there were any illegal actions by Commissioner Maloy in requiring his Aide to conduct political activity on his behalf.

Commissioner Grippa asked Mr. Thiele if this would be a conflict for him and Mr. Thiele responded that he took the direction from the Board to not perform any further investigation, but to compare those statements taken with the current statutory and county policies, and bring that back to the Board. Mr. Thiele stated that if he determines that those allegations, if true, would be a violation, then he would have to turn the issue over to someone else.

Commissioner Proctor commented on the process listed in the policies when a person feels that they have been violated/harassed. They should contact the Human Resource Director or Employee Relations Coordinator or Chairman or Vice-chairman of the Board. He noted that witnesses were kept confidential and Tracy Reid, Human Resources Director, explained that if the witnesses' names were to be made public, they would be reticent to participate in the future. Commissioner Proctor stated for the record, that there is nothing in the policy that requires a witness to report about the victim unless the witness is a manager, and then he/she is required to report it.

Commissioner Maloy stated that he has never violated or sexually harassed anyone and that he has never asked anyone to campaign during work hours, and that this is an attack on him and his family. He requested that the Board not vote in favor of the substitute motion since the report has cleared him of any wrongdoing.

County Attorney Thiele cautioned Commissioner Maloy about voting on the substitute motion since it could be a conflict of interest.

Commissioner Proctor suggested that if a review is conducted, an independent person rather than the County Attorney should do it. Commissioner Rackleff explained that the County Attorney would review the record only, not make any conclusions, and advise the Board on the next step to take.

Mr. Thiele clarified that his interpretation of the substitute motion was for him to take the unverified, unsworn statements, and if the Board presumes the statements to be true, whether or not that would have issues as it relates to the prohibitions of the Statutes or prohibitions in the Personnel Policies; if that was the case, he would report that back to the Board with options on how to proceed, although he would not make any conclusions. Mr. Thiele opined that it would not be appropriate for him to investigate those allegations.

Commissioner Maloy asked the County Attorney under what policy was the County using to take his supervisory authority away. The County Attorney responded that there was no written policy to do so.

Commissioner Grippa asked the County Attorney if the Board was opening themselves up for a lawsuit since they were operating outside a County policy. Mr. Thiele advised that he was not legally uncomfortable with the substitute motion.

Chairman Sauls referred to the conclusions of the report, which stated that the allegations of workplace harassment against Commissioner Maloy are not sustained and Ms. Simmonds repeatedly emphasized that she had not made a complaint of sexual harassment. Based on that, Chairman Sauls stated that she could not support the substitute motion on the floor. She supported the original motion to accept the report.

Commissioner Maloy recused himself from the vote based on the County Attorney's recommendation. He stated that this is approximately the 12<sup>th</sup> investigation that has been conducted on him, he has been cleared of all of them, and this is a waste of taxpayers' money.

For the record, County Attorney Theile stated that he does not believe that the substitute motion concludes contrary to the report.

Commissioner Proctor engaged in discussion regarding the County's policy relating to political activities in the workforce. Based on the report, Commissioner Proctor stated that there does not appear to be a case against Commissioner Maloy. Commissioner Grippa advised that the motion on the floor is asking the County Attorney to look at the issue and determine if it meets the threshold of investigation. Commissioner Rackleff concurred.

The substitute motion carried 4 – 2 (Commissioners Sauls and Proctor voted in opposition and Commissioner Maloy recused himself from the vote.) See attached Voting Conflict Form:

31. Acceptance of the Report on the Tallahassee Downtown Improvement Authority

This agenda item presents to the Board a staff report on the history, objective and operation of the Tallahassee Downtown Improvement Authority (TDIA) and requests the Board's acceptance of this TDIA report.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Maloy was out of Chambers) to approve Option 1: Accept the report on the Tallahassee Downtown Improvement Authority.

Commissioner Grippa remarked that lobbying expense was a tax-exempt governmental entity and suggested that the DRI check with the IRS. He also suggested that "industrial bond" be defined.

**General Business**

32. Approval of Interlocal Agreement Between Leon County, City of Tallahassee, and Community Redevelopment Authority

This agenda item requests Board approval of the Interlocal Agreement among the City of Tallahassee, Leon County, and the Community Redevelopment Agency (CRA). It was noted that Commissioner Grippa has been negotiating the issue for a period of time.

Pursuant to State Law and the ordinance, Commissioner Grippa pointed out a determination should be made, procedurally, on the language to be drafted as it relates to how the money flows through the Tourist Development Council (TDC).

Commissioner Grippa moved and was duly seconded by Commissioner Thael to approve Option 1 with the additional language: Approve the Interlocal Agreement among the City of Tallahassee, Leon County, and the Community Redevelopment Agency, and give authority to the County Attorney to work with Tommy Waite

and Guy Thompson of TDC, and Jim English, City Attorney, and Elise Judelle to work out the specifics on the language and to ensure that only one penny goes to CRA.

Commissioner Thael referred to page 12, Section 12, Charter Amendments and asked if both entity, City and County were pledging to not initiate a charter amendment in 2004 that would affect budgetary and operational matters. County Attorney Thiele clarified that generally the language was a prohibition on the County proposing an amendment to the City charter and vice versa, or a charter amendment to the County's charter which impacted the City's charters, budgetary or operational. He stated that this is not a prohibition on the County amending its charter to affect its own budget or operational issues.

George E. Lewis, II, 203 N. Gadsden Street, #6, appeared and suggested several revisions and clarification of policy issues. He recommended that the items be changed prior to the Board's adoption of the Interlocal Agreement or they could cause problems in the future:

- Voiced concern that this is the last time the proposed interlocal agreement is coming before the Board; he felt that there were policies issues to be resolved
- Addendum, page 4, Sec. 3(c); missing language
- Document refers to amendments in Sec. 13, which he felt should be referenced in another part
- Referenced language in Sec. 4 "shall require the prior written approval of the County." Mr. Lewis suggested that this be limited to during the term of the agreement.
- Page 5, a, regarding a "debt being collected for a period of not more than 30 years from date the District was created." When was the District created - is it not already several years into that period?
- Sec. 5 (b) Composition of the Agency – Paragraph 13 (i) describes it as the governing board – the provision is nowhere else defined. It indicates that it is the City Commission and two (2) ex-officio members from the County. There is no indication in the document whether those ex-officio members have any voting power. That should be cleared up - either they do or they do not have voting power
- Sec 5, c: If the project review committee reaches an impasse, the agency (City Commission) has the right to withdraw the project and if they do not withdraw, they must go before the oversight review; one place in the document that says the oversight review is final. Mr. Lewis stated that the document goes beyond that and states that if that does not work, and then there is mediation and binding arbitration. He indicated concern that the power to go to court is given up and pointed out that the adopted agreement negotiated by Commissioner Grippa does not mention arbitration. If the Board approves the document, then they would be jumping on board to go with the State Statute and the American Arbitration Association. Is that the Board's intent?



- Sec. 5, e: voiced concern that the Oversight Review Board would be an unlawful delegation of authority. The people outside the elected group that is managing the board only come in for projects that the project review board has failed to deal with.
- Sec. 6 - Financial Provision: Is the one-cent tourist sales tax time limited
- Sec. 6, b - Gaines Street Reconstruction Project Project – It is unclear if anything in this project would go through the project review committee or does it apply only for roadway improvements? Mr. Lewis suggested being specific on this issue.
- Sec. 6 (c): In the event that the agency does not demand payment, an interest rate provision is inserted, accruing at 4% or the Consumer Price Index (CPI) in effect on October 1<sup>st</sup> of each year. Does the Board mean the change in the rate of the CPI from year to year; this is not clear. Is the Board aware of how the CPI can fluctuate and that the rate is not available on October 1<sup>st</sup>? The Bureau of Labor Statistics does not report the CPI until some time later. An earlier date is needed if interest is going to be collected as of September 30<sup>th</sup>. The document does not say if interest will be collected in advance or in arrears – the period of time covered should be specified. Due to the CPI rate of change, Mr. Lewis suggested fluctuating substantially or instead, adopt the State Judgment Rate of Interest. It is also unclear in the document if the interest rate gets changed; is it an adjustable rate for an outstanding balance or once balance is established, does the rate stay the same on the outstanding balance from that point forward.
- The agency is left to rebate the emergency medical service MSTU and indigent health care MSTU funds as soon as they are received; another provision in the proposed agreement states that if the County is in default, those would be captured. The Tax increment finance amounts for the two entities, in default, are not rebated. Is this the Board's intention?
- Sec. 6, page 7 regarding interest rate calculations: There is no description of whether the payment made first applies to interest and then to principal or vice versa – it will make a difference on how much is paid.
- Sec. 6 (d), page 8 – The trust fund shall not be used to provide direct lease subsidy within the district – indirect subsidy can only be provided if they go through the project review committee – the committee has a threshold of only \$500,000 – they would never look at an indirect subsidy. Mr. Lewis alleged that the Board was doing away with the ability for indirect subsidy unless it is one that is \$500,000.
- Sec. 9 (b), page 10: If the County is entitled to a return of the tax increment because of a breach by the City, is the County entitled to interest on the payment; if so, from what point does the County obtain interest; from the date of the breach or the date the amounts were paid. Mr. Lewis suggested that the County pick that up.
- Sec. 9 (b) page 10, last sentence, will capture the MSTU taxes that the agency is supposed to refund if the County is in default – is that the Board's intention or do they intend to exclude the MSTU tax increment amounts completely and

insulate them. If the Board intends to insulate them, this language reverses that intention.

- Sec. 10 (d), page 11: This freezes the County into binding arbitration and this is not in the agreement that has been negotiated by Commissioner Grippa. The same language in Sec. 10 (d), page 12 (3) picks up the specifics of arbitration requirements.
- Sec. 13 (f), page 14, last sentence refers to paragraph 5 of the agreement. This should be changed to paragraph 6.
- Sec. 13 (h), indicates that everybody is indemnifying everybody else but no one is waiving sovereign immunity – why is this in the agreement?
- Sec. 13 (I), page 15, Amendments – There is no definition of the governing board of the agency; do the County's ex-officio members get to vote on the agency board; it is not specified in the agreement; if they do get to vote, there could be a minority vote of both commissions, and, in affect, amending this agreement.
- Sec. 13 (k), page 15. There is a general severability clause and then it is taken away by another clause: "should a material term, provision, covenant of this agreement be held unenforceable" and then the language describes how the agreement will operate. There is no definition of what is "material" to either party. Mr. Lewis stated that most contracts state that if one provision is thrown out, the rest of it goes forward. This one says that the rest goes forward, but if it is material to one party, then they would have to renegotiate, with no indication of what is "material" to either party.

Chairman Sauls asked the County Attorney to respond to issues made by Mr. Lewis. County Attorney Thiele explained that the policy issues were decided as a part of the negotiations and when the Board approves the document, they are accepting a number of policy issues. Mr. Thiele explained that they agreed to binding arbitration rather than going to court, that there are ex-officio memberships (who do not vote on the agreements); that the CPI was chosen over many other terms.

Mr. Thiele opined that the motion on the floor would cover technical issues with minor non-substantive wording changes permitted by the City and County Attorneys' offices in order to get the document in final form before it is presented to the Chairman and Mayor to be signed. He felt that issues raised by Mr. Lewis could be addressed in that fashion.

Commissioner Proctor inquired about the status of the voting representation of the County on the CRA. Mr. Thiele responded that the County would not be a voting member of the CRA but would have equal representation on the project review committee, which every project over \$500,000 must go through. He opined that they were able to get the County review of the substantive expenditure issues in a different fashion and thus did not run afoul of allegations of dual office-holder.

Commissioner Thaeff referred to Sec. 6 (b) Gaines Street Reconstruction Project, and asked if the County is relinquishing any County voice in the design or determination of the project. Commissioner Grippa indicated that this is not the case but since it became a City road, the City would have the final say, although the County would be involved.

The motion on the floor carried 6 – 1 (Commissioner Proctor voted in opposition). The Board directed the County Attorney to work with Jim English, City Attorney on language regarding the TDC funding, the process and how the TDC money would flow through.

33. Request for Board Direction Regarding Litigation Concerning Wakulla County Comprehensive Plan Amendment CP 02-05 (N. G. Wade Investment Company)

The purpose of this agenda request is to get direction from the Board on whether to proceed with further litigation regarding the Wakulla County Comprehensive Plan Amendment (CP-02-05) after a settlement between Wakulla County and the Department of Community Affairs.

(The Comp Plan Amendment involves rezoning of 606 acres of land from Agricultural and Rural 1 land use categories to Sustainable Community category. Although no specific land development proposal has been made, the applicant has presented preliminary scenarios such as a 1,000 single-family residential dwelling units, 250 multi-family dwelling units, and 300,000 square feet of Commercial development and 200,000 square feet of business park uses. Access to and from the site would be Woodville Highway and Commerce Boulevard, which terminates on Old Plank Road. An existing wastewater is water treatment plant is proposed to service the site and would require expansion in order to serve the anticipated development intensities and patterns.)

(The Board previously directed the County Attorney to intervene in the case after the DCA objected to the Comp Plan amendment that Wakulla County adopted. The parties were aligned as follows: Wakulla County and the developer, N. G. Wade Investment Company, were aligned. The other side consisted of the Department of Community Affairs, the Wildlife Federation and Leon County. The latest settlement proposal is included in the agenda request and has been rendered by DCA to N. G. Wade Investment and Wakulla County and they intend to execute that, thus settling the DCA dispute over the Comp Plan Amendment. That would leave the Wildlife Federation and Leon County, who objected to the Comp Plan amendment.)

Mr. Thiele pointed out that the primary concern of Leon County is the traffic issues as they impact the roadways on the Leon County side of the border. The reason he has not recommended approval of the settlement agreement is because, even though the project was slightly scaled back and has been phased, in essence there has been no mitigation to the traffic impacts created by the development on

the Leon County side of the border. The roadway segment that is directly near the project is significantly constrained and the project would push it over the edge.

Commissioner Thaeff pointed out that MPO staff advised that it would cost \$20 million to manage the additional several thousand car trips per day that the N. G. Wade development would generate on the road segment. It was noted that dollars were not committed by the developer or Wakulla County for mitigation. He stated that the burden of paying for the road should not be put on the taxpayers of Leon County and that segment of road is not in the 2020 MPO Transportation Plan. If the project were approved, money from another Leon County project would have to be used to pay for the segment of road.

Mr. Thiele asked if the DCA settles with Wakulla County on terms of traffic mitigation, should the County proceed with the administrative hearing and what were the chances of the County prevailing. Mr. Thiele explained that the likelihood of Leon County prevailing in the case is less than 50 percent. He believes that the DCA has missed the intergovernmental cooperation requirements under chapter 163 and 9 (j) (5). He opined that those requirements do not allow them to ignore mitigation impacts extra-jurisdictionally.

Commissioner Thaeff moved and was duly seconded by Commissioner Rackleff to approve Option 1: Direct staff to proceed with an Administrative Hearing if DCA settles with Wakulla County on terms set forth in Attachment #1.

Commissioner Winchester engaged in discussion regarding Development of Regional Impact (DRI). David McDevitt, GEM, stated that he has not seen the final proposed settlement agreement but his office did propose extensive language, which was included the County Attorney's response to DCA. He stated that this would be a DRI under the current DRI thresholds. Every year in the legislature the DRI thresholds are typically discussed and could change in a year. Mr. McDevitt also advised that this Comp Plan amendment would give the developer certain entitlements and does not mean that it would automatically be a DRI. The ability to subdivide the property into sub DRI-size developments in the accumulative total may be in fact beyond the threshold for a DRI. There are ways that the development could be subdivided into smaller sub-DRI projects. Mr. McDevitt pointed out that the roadway segment was clogged based upon actual traffic counts.

Commissioner Winchester emphasized that Leon County was not trying to sue their neighboring county, Wakulla County, but wanted to be involved and have input in the process since it would impact Leon County. Commissioner Winchester suggested that the developer commit to providing mitigation dollars to make sure that the road is improved over the next 20 years so economic development can occur in the area and that there should be some type of proportionate cost share.

Commissioner Rackleff advised that he does not want Leon County to subsidize growth in Wakulla County. The County has already spent \$17 million to widen Crawfordville Highway to accommodate growth in Wakulla County. Because Leon County committed to FDOT that they would advance fund the Crawfordville Road widening which caused the postponement of the widening of Mahan Drive.

Commissioner Proctor pointed out that the County has used dollars for other roads in the County and indicated the need to invest and commit to assisting with this segment of the road. He does not want to prevent Wakulla from growth and development because they will not provide the County with money to widen the road. He remarked that even if the N. G. Wade Development did not go through, Leon County is still responsible for providing concurrency for its citizens and the County has failed to do so in the area.

Commissioner Grippa indicated that probably most of the traffic on weekends is from Leon County citizens going through Wakulla County to get to Franklin County to go to the beach. Many Wakulla County citizens work and spend money in Leon County. He raised the question: How will Wakulla County participate in funding the infrastructure? He remarked that these types of issues are on the MPO agenda for discussion and pointed out that DCA (State Department of Community Affairs) should evaluate these types of issues. Commissioner Grippa raised another question: What happens when Wakulla County starts objecting to developments in Leon County? Other issues mentioned was that many Leon County citizens are deciding to move to Wakulla County because the cost of permitting is going up as well as the cost of housing in Leon County.

Chairman Sauls confirmed that the parties have between now and the fall to work out a settlement agreement on this issue. Mr. Thiele suggested participating at this juncture because once the Comp Plan amendment is approved, N. G. Wade will have an upper hand on any challenges because they will have the right land use designation. They could theoretically go sub-threshold on the DRI in which case Leon County would have to demonstrate affected party status, which is difficult to do. Chairman Sauls pointed out that it would be difficult to tell constituents in Woodville that they cannot build anything because of road capacity, yet Crawfordville is building a development and putting additional traffic on the road. She suggested that the parties attempt to reach a "middle ground" to avoid litigation.

Commissioner Proctor moved a substitute motion and was seconded by Commissioner Grippa to approve Option 2: Do not direct staff to proceed with an Administrative Hearing if DCA settles with Wakulla County on the terms set forth in Attachment #1. The substitute motion failed 3 – 4 (Commissioners Rackleff, Sauls, Thaele, and Winchester voted in opposition).

The original motion was amended by Commissioner Winchester to include to direct staff to prepare a proportional cost-share analysis for impact on County roads (so this information will be available when going into negotiations). The Board designated Commissioner Winchester, as its representative, to meet with Wakulla County Commission to negotiate the issue.

The motion, as amended, carried 6 – 1 (Commissioner Proctor voted in opposition).

34. Ramification of Actions Taken at the June 8, 2004 Budget Workshop

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Maloy was out of Chambers), to approve Option 1: Ratify actions taken at the Preliminary FY 2004/2005 Budget Workshop.

35. Acceptance of Status Report and Board Direction on Purchase of Property on Norwood Lane

This item is a status report to inform the Board on permitting of a single family home on Norwood Lane, which is surrounded by lots purchased by the County due to flooding. An environmental permit application has been received to construct a new home on Norwood Lane in Killearn Lakes Unit 3. The home is to be placed on Lot #14 which is only two lots away from the four lots (#9, #10, #11 and #16) that were purchased by the County due to flooding in the structures.

Dick Thoma, 3412 Valley Creek Drive, appeared and urged the Board to stop allowing building permits for homes in areas that flood.

County Attorney Thiele explained that if the application meets all of the applicable codes and criteria the County's Chief Building Official is obligated under the law to issue a permit. Mr. Thiele pointed out that he has been advised that the application meets the criteria.

Commissioner Grippa pointed out that property would flood and Mr. Thiele responded that the County's code does not address water in the yard; once it meets the finished floor elevation requirements under the Building Code, then it is possible to have a house with a moat.

The Board engaged in further discussion about the ramifications of not issuing the permit. Mr. Thiele stated that he has some concerns that if the legislative body instructs an administrator to not follow the law and issue the permit, it could result in individual claims, not group claims.

Commissioner Winchester requested that when building permits come through around Faulk Drive and Harriett Drive, where flooding occurs, that staff bring the matter to the Board like they did on this issue.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Chairman Sauls was out of Chambers), to not issue a permit, look at all the legal options, consider issuing a moratorium until the County can develop a plan regarding an indemnification agreement (warning and disclosure notices, waiver forms, etc.), and direct the County Attorney to review the County's Code for possible revision and bring back an agenda item on July 13, 2004.

36. Consideration of Citizen's Inquiry Regarding the Renaming of South Monroe Street to Southside Boulevard

This agenda item is being provided based upon the Board's District I Town Hall Community Meeting held on April 27, 2004. During this meeting citizens requested that South Monroe Street be renamed to Southside Boulevard.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried 5 – 1 (Commissioner Proctor voted in opposition and Commissioner Grippa was out of Chambers), to approve Option 1: Do not change the existing name of South Monroe Street to Southside Boulevard based on historical use and the requirements of the County's Land Development Regulations.

37. Expirations, Vacancies, and Appointments

Civic Center Authority: Chairman Sauls appointed Commissioner Cliff Thael and Bill Montjoy.

Fort Braden Community Center Board of Directors: Commissioner Grippa appointed Theresa Bush.

Planning Commission: Commissioner Winchester moved and was duly seconded by Commissioner Rackleff to appoint Cathy Kendall. Commissioner Thael recommended Jenny Myers for appointment. Commissioner Grippa recommended Stephen Hogge. The Board took a written vote on the three recommendations as suggested by County Attorney Thiele. Mr. Thiele tallied votes and the appointment was Cathy Kendall.

Septic System Advisory Committee: Commissioner Proctor appointed Michael Parker.

*The Board then entered discussion under "Citizens to Be Heard."*

**Scheduled Public Hearings, 6:00 p.m.**

38. First and Only Public Hearing to Adopt the Proposed Ordinance Imposing \$15 Surcharge for any Non-Criminal Traffic Violation

Pursuant to legal advertisement, a public hearing was conducted to consider a proposed ordinance imposing a statutorily permitted surcharge of \$15 for any non-criminal traffic violation and criminal violations in Section 318.17.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to approve Option 1: Conduct the first and only Public Hearing and adopt the attached Leon County Ordinance Number 04-14 imposing a statutorily permitted surcharge of \$15 for any non-criminal traffic violation and criminal violations Section 318.17:

39. First and Only Public Hearing to Adopt the Proposed Ordinance Imposing \$65 Court Costs Pursuant to Article V Implementation

Pursuant to the following legal advertisement, a public hearing was conducted to consider adopting the proposed ordinance imposing a statutorily permitted court cost.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to approve Option 1: Conduct the first and only Public Hearing and adopt the attached Leon County Ordinance Number 04-15 imposing statutorily permitted Court Costs of up to \$65 for any misdemeanor, felony, or criminal offense:

40. First and Only Public Hearing on a Proposed Adjustment to the Village Center Designation in the Bradfordville Commercial Overlay Zone One (CO-1) District of the Bradfordville Sector Plan

Pursuant to the following legal advertisement, a public hearing was conducted. The Board considered an ordinance to adjust the Village Center (VC) designation in the Bradfordville Commercial Overlay Zone One (CO-1) of the Bradfordville Sector Plan for a parcel at the corner of Thomasville Road and the Old Bainbridge Road. Approval of this request would not impact the CO-1 Overlay designation with its attendant design and regulatory provisions, or the present underlying zoning designation of the Bradfordville Commercial-Auto Oriented District (BC-1).

Commissioner Thaeil moved and was duly seconded by Commissioner Winchester to approve Option 1: Conduct the public hearing and adopt the proposed Ordinance No. 04-16 to the Village Center area within the Commercial Overlay Zone One (CO-1) of the Bradfordville Sector Plan, based upon the findings of fact and conclusions of law set forth herein.



Pamela Hall, 5051 Quail Valley Road, appeared and voiced concern about the possibility of not actually having a Village Center as proposed. She indicated that another bank is not needed in the area.

Commissioner Rackleff remarked that he does not want to see this as "chipping away" at the Village Center concept.

The motion on the floor carried 6 – 1 (Commissioner Rackleff voted in opposition). See attached Leon County Ordinance Number 04-16:

41. First and only Public Hearing on the Proposed Southland Tower Road Warehouses Phase 2 Type "C" Site Development Plan

Pursuant to legal advertisement, a public hearing was conducted to consider the proposed Type "C" Site and Development Plan for the Southland Tower Road Warehouse Phase 2.

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Option 1: Conduct the first and only Public Hearing and approve the proposed Type "C" site and development plan for Southland Tower Road Warehouses Phase 2 with the conditions noted above and based on the findings of fact and conclusions of law set forth in the recommendation of the DRC.

The motion carried unanimously, 7/0.

42. Public Hearing for Pre-Application for Authorization of Sewer Service Area for Properties at the SW Corner of Intersection of Tower Road and Capital Circle NW

Pursuant to legal advertisement, a public hearing was conducted on the pre-application for authorization of a sewer service area for properties located at the southwest corner of the intersection of Tower Road and Capital Circle, N. W. Talquin Electric Cooperative, Inc. has applied to the Board for authorization of a sewer service area for the subject area.

Commissioner Rackleff indicated that a cooperative such as Talquin Electric Cooperative should be involved in economic development in the community and asked how much Talquin had been involved in economic development.

Mark Stamps, Talquin Electric Cooperative, Inc., appeared and suggested that the question be directed at Talquin's General Manager.

Commissioner Maloy moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Conduct the public hearing and authorize a service area for properties located at the southwest corner of the

intersection of Tower Road and Capital Circle, N. W. Commissioner Rackleff will send a letter to Talquin Electric Cooperative Inc., General Manager requesting a report on Talquin's economic development activities in the community.

**Citizens to Be Heard on Non-Agendaed Items (6-minute limit)**

- Sue Parsons, 519 Short Street, member of Tallahassee Winds, distributed material and requested County contribution of \$10,500 to provide scholarships for eight of its members to travel to Sydney, Australia for the *Wind Festival*.

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to refer the funding request to the Tourist Development Council.

- Misty Penton of 4742 Knollwood Drive, and Lynda Lloyd of 2304 San Pedro Avenue, representing Leon County Campaign and Election Reform, distributed information and a proposed ordinance regarding amending the County Charter for Board consideration.

*Commissioner Maloy moved, duly seconded by Commissioner Winchester and carried 6 – 1 (Commissioner Grippa voted in opposition), to extend the meeting for 15 minutes.*

Commissioner Maloy moved, duly seconded by Commissioner Rackleff to agenda this item for Board consideration for the July 13, 2004 Board meeting.

Following some discussion, Commissioner Grippa moved a substitute motion, seconded by Commissioner Proctor, to distribute the materials to the Constitutional Officers and get feedback, bring the report back at the July 13, 2004 Board meeting, and the Board would decide whether or not to make a motion to agenda a public hearing on July 27, 2004.

*Commissioner Thaell moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to extend the Board meeting to 11:20 p.m.*

The substitute motion on the floor carried unanimously, 7/0.

*Commissioner Grippa moved, duly seconded by Commissioner Winchester to adjourn the meeting (11:22 p.m.). The motion failed 2-5 (Commissioners Sauls, Thaell, Rackleff, Proctor, and Maloy voted in opposition).*

**Discussion Items by Commissioners**

**Commissioner Thaell**

- Commissioner Thael explained that he had a time-sensitive issue and wished to waive the Rules for Procedure.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to waive the Rules of Procedure and extend the meeting to 11:29 p.m.

Commissioner Thael referred to a vote that the Board had taken last meeting with regard to annexation of property owned by a company called the West Hennessey LLC. It is an issue related to eminent domain acquisition by the DOT and a quit claim deed from Leon County. DOT is requesting a quit claim from Leon County which would convey to DOT any interest the County might have in a drainage easement adjacent to this property that the County annexed. They need to close on this property; if they have to wait until July 13<sup>th</sup>, it would be late August until they close.

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve the attached resolution (R04-10) which authorizes the execution of a quit claim deed to FDOT. Commissioner Thael stated that Assistant County Attorney Rigo had advised him that, likely, there are no problems associated with this such as flooding. See attachment:

Commissioner Grippa:

Commissioner Grippa moved to place on the agenda, a 319 grant funding for Killlearn Lakes. The issue was brought to his attention by Sean McGlynn. The Board concurred to agenda the item.

Chairman Sauls:

Read an email urging the Board to have some type of remembrance day to honor former President Ronald Reagan; Friday, June 11, 2004 has been declared a National Day of Mourning in honor of former President Ronald Reagan. The email suggested that the County honor that day by initiating a Leon County Holiday on Friday, June 11, 2004.

Commissioner Grippa requested that staff find out the presidential protocol when a former President dies. He requested that staff contact the State Department of Interior and/or Department of State and obtain some guidance and let the Chairman or the County Administrator delegate the Board's authority to do whatever is appropriate. County Administrator reported that State and City offices would not be closed on Friday but the Federal Government is closed. If the State decides to close in honor of the former President, authority to do the same would be delegated to the Chairman and staff would check on the appropriate protocol.

- Piney Z Community Development District Proposed Budget, Fiscal Year 2005 (April 12, 2004)

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to accept the receipt of the Piney Z Community Development District Proposed Budget, Fiscal Year 2005.

There being no further business to come to the Board, the meeting was adjourned at 11:30 p.m.

APPROVED: \_\_\_\_\_  
Jane Sauls  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court